

**Joint Board of Nursing and Medical and Osteopathic Examiners Revision to
Schedule II Prescribing for PAs, CNPs, and CNMs**

FOR AN ACT ENTITLED, An act to revise certain provisions related to the prescription of schedule II controlled drugs by physician assistants, certified nurse practitioners, and certified nurse midwives.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That subdivision (3) of § 36-4A-22 be amended to read as follows:

- (3) Make a tentative medical diagnosis and institute therapy or referral; prescribe medications and provide drug samples or a limited supply of labeled medications, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than ~~forty-eight hours~~ thirty days, for symptoms and temporary pain relief; treat common childhood diseases; to assist in the follow-up treatment of geriatric and psychiatric disorders referred by the physicians. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record;

Section 2. That subdivision (2) of § 36-9A-12 be amended to read as follows:

- (2) The prescription of medications and provision of drug samples or a limited supply of labeled medications, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than ~~forty-eight hours~~ thirty days, for treatment of causative factors and symptoms. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record;

Section 2. That subdivision (4) of § 36-9A-13 be amended to read as follows:

- (4) Prescription of appropriate medications and provision of drug samples or a limited supply of appropriate labeled medications for individuals under the nurse midwife's care pursuant to the scope of practice defined in this section, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than ~~forty-eight hours~~ thirty days. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record.

Q&A: PROPOSED CHANGE TO SCHEDULE II PRESCRIBING FOR CERTIFIED NURSE PRACTITIONERS, CERTIFIED NURSE MIDWIVES, AND PHYSICIAN ASSISTANTS

BILL TITLE: An Act to revise certain provisions related to the prescription of Schedule II controlled drugs by Certified Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants.

What does this bill actually do?

This bill would remove the forty-eight hour time limit for the prescription of Schedule II controlled substances by Certified Nurse Practitioners (CNP), Certified Nurse Midwives (CNM), and Physician Assistants (PA) and replace it with the ability to prescribe for a period of not more than 30 days.



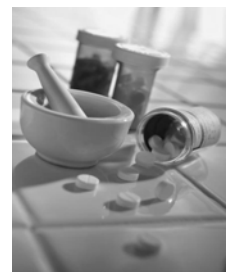
Why is the change necessary?



The forty-eight hour limitation creates a serious patient care issue as it relates to the management of patients with acute and chronic pain. In rural areas of South Dakota where physicians are not readily available to sign prescriptions, CNPs and PAs are forced to prescribe less effective drugs for the treatment of pain. If CNPs and PAs are to follow the standard of care for the treatment of pain, they need to have an expanded time limit for the prescription of Schedule II drugs.

Why is the limit set at 30 days?

The limit was set at 30 days because most insurance companies and Medicare will only pay for a 30-day supply. The Drug Enforcement Administration (DEA) does not allow refills of Schedule II drugs. Therefore, patients must be seen again in 30 days if they need additional medication. This allows the CNP and PA time to consult with the physician concerning the continued care of the client.



Is this different for physicians?



Yes. Physicians do not have a 30-day time limitation. A physician may order these drugs for as many days as deemed necessary, but, according to DEA regulations, the prescription cannot be refilled. A new prescription must be obtained if more medication is needed. In many cases prescriptions are written for 30 days because of the insurance and Medicare payment issues.

Will CNPs, CNMs, and PAs be handing out 30-day supplies of samples of Schedule II drugs?

No. According to SDCL 34-20B-46, it is a Class 5 Felony to distribute Schedule II controlled substances without a prescription. SDCL 22-42-2.1 also requires a written prescription in order for Schedule II drugs to be dispensed.

What standards do CNPs, CNMs, and PAs have to meet in order to prescribe these drugs?

1. CNPs, CNMs, and PAs must meet all licensing standards set forth by the Boards of Nursing and Medical and Osteopathic Examiners.
2. CNPs, CNMs, and PAs must have a formal agreement with a physician licensed in South Dakota.
3. CNPs, CNMs, and PAs must have direct personal contact with the physician at least four hours per week if they are working full time.
4. CNPs, CNMs, and PAs must have a South Dakota Controlled Substance registration and a federal Drug Enforcement Administration registration.

Are there specific requirements related to the prescribing of controlled substances?



Yes. These requirements are all set forth by the Drug Enforcement Administration and violations may subject the practitioner to revocation of their prescribing privileges. Additionally, violations may result in disciplinary action of the licensee.